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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,750	09/29/2003	Timothy J. Dupuis	SIL.P0066	1480
30163	7590	03/23/2004	EXAMINER	
JOHNSON & ASSOCIATES PO BOX 90698 AUSTIN, TX 78709-0698			SHINGLETON, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/673,750

Applicant(s)

Dupuis

Examiner

SHINGLETON

Group Art Unit

2817

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 9-29-2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19 ☐ are pending in the application.
- Of the above claim(s) ☐ is/are withdrawn from consideration.
- ☐ Claim(s) ☐ is/are allowed.
- ☒ Claim(s) 1, 8, 9, 13-17 ☒ are rejected.
- ☒ Claim(s) 2-7, 10-12, 18 and 19 ☒ are objected to.
- ☐ Claim(s) ☐ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

### DETAILED ACTION

Claim 7 is objected to because of the following informalities: Claim 7 is dependent upon claim 1, however, claim 7 refers to "the divider" yet no antecedent basis appears for this in claim 1. It is clearly apparent that this was just a mere typo in that the dependency of claim 7 appears to be incorrect. The proper dependency appears to be claim 7 dependent upon claim 6 and accordingly this will be assumed for examining purposes. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9, 13-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Dening et al. 6,525,611 (Dening).

Figure 32 and 4 of Dening discloses a RF power amplifier 12 wherein a peak detector and control circuit means 18 is provided for such that this circuitry 18 includes a peak detector composed of at least elements Q2- Q8 (See column 4, around line 27). As the abstract and columns 3-6 clearly point out the detected peak voltage is compared to a threshold and if that threshold is exceeded then the gain of the power amplifier is reduced and the amplifier protected. The detection of the peak level in Dening inherently is a power detector. The above circuitry also provides a method for protecting a RF power amplifier. The method that is part of the above circuitry includes the steps of detecting the peak voltage at a first node of the power amplifier wherein the first node of the power amplifier is the output node shown in Figures 3 and 4 of Dening. This peak voltage is compared to a threshold and if the detected voltage is greater than the threshold then the gain of the power amplifier is reduced. Likewise the gain of the power amplifier is increased, as compared to the gain when the output is above the threshold, if the detected power level is less than a desired power level. This occurs when the detected peak voltage is lower than the threshold voltage. It is noted that the examiner must give the broadest reasonable interpretation to the claims in light of the specification. Thus a power level that occurs when the peak

Art Unit: 2817

voltage is less than a certain threshold level is a detected output power level that is less than a desired power level and is a detected peak voltage that is lower than the threshold voltage. If the peak detection is greater than a threshold then the selected output power is greater than a desired power level.

Claims 2-7, 10-12, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Note the objection above to claim 7 in regards to its dependency.)

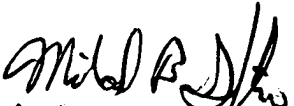
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Antoniazzi et al. UK application 2,123,231 likewise uses the detection of the peak voltage of a power amplifier to reduce its gain. However Antoniazzi is directed to audio frequencies and uses an attenuator prior to the power amplifier to control the gain of said power amplifier. Scuderi et al. discloses the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is 571-272-1770. The examiner can normally be reached on Monday-Thursday from 8:00 to 4:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (571)-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MBS  
March 6, 2004

  
MICHAEL B SHINGLETON  
PRIMARY EXAMINER  
GROUP 1 PART 1 INT 2817